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SEIZURES

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Abstract

Seizures is Chapter XV of my biography of Thomas, 5th Baron, 1st Earl, and 1st Marquess of Wharton (1648-1715). It covers the crucial events of 1683, thirteen years before Wharton inherited his father's barony. It shows how the Rye House plot, which dominated the politics of 1683, affected "Tom" Wharton himself and the Whig party, of which he was a prominent member. I have annotated the chapter to provide additional information and to allow specialists in the period to see how I derived the facts. The lists of abbreviations and short titles pertain to the whole book, not merely to this chapter.

SEIZURES

J. Kent Clark

In the early hours of 10 July 1683, Sir Francis Compton, commander of a cavalry patrol, intercepted a note written the previous midnight and intended for John, Lord Lovelace. "It is the common report," the message began, "that a party of horse is sent today to fetch up your lordship, Sir Henry Capel, Mr. Wharton and others. Sir John Burlace desires to know the contents of your warrant and to speak with you, if possible, before your commitment."¹ Lovelace, the note implied, would have no thought of fleeing; he would only delay the King's officers long enough to see Sir John Burlace, who wished to do him "all the service" he could.

The warning note had been written by one Mr. Pennington, who had heard of the rumored arrests at Garroway's coffee house. The "common report" sounded very plausible. The Rye House Plot--an alleged conspiracy to assassinate the King and the Duke of York-- had burst upon the public consciousness seventeen days earlier. On 23 June the King had published a proclamation for the chief suspects, and other proclamations had followed. Several Whig leaders had already been jailed. Lord William Russell was about to be tried. It seemed entirely reasonable that well known Whigs like Lord Lovelace, Sir Henry Capel, and Tom Wharton should be pursued by warrants and contingents of cavalry.

But the common report was wrong. There were no warrants for the three men, and there might not have been any if the intercepted note had not made the government suspect that Lovelace and Burlace had been plotting something unsavory. Lovelace was brought before the Privy Council on 12 July, where he denied knowledge of any "design" and convinced the Council that Burlace's offer of "service" (as Pennington and Burlace had testified earlier) had merely signified a willingness to post bail for a friend. After the hearing, Lovelace was released on condition that he would provide £2,000 himself and find two sureties for £1,000 each, as guarantees that he would keep the peace.²

Tom Wharton was luckier. His name had not appeared on any list of alleged conspirators, and no warrant had been issued for his arrest. He was not wanted for questioning, and he would not be obliged to find bail. The only warrants that concerned him were two that authorized a renegade Whig named Samuel Starkey and his companion Nathaniel Hartshorne to search for fugitives and arms in Buckinghamshire. Issued by Sunderland on 4 and 5 July,³ the warrants required crown officials, including the Earl of Bridgwater, Lord Lieutenant for Bucks and Hertfordshire, to cooperate in the search. The Earl, who had already conducted a search of his

counties,⁴ was less than enthusiastic about complying; but he furnished the two agents with parties of horse from the Bucks militia.

The zealous pair scoured the County for twenty days. In their sweep they managed to arrest only one suspect, Simon Maine, but they turned up two caches of arms which they considered dangerous. One of these belonged to John Hampden at Wendover and the other to Tom Wharton at Winchendon. Tom was not at home when his house was searched. As he later explained to Lord Bridgwater, he was at Tunbridge for his health. Thus he could not even try to prevent Starkey and Hartshorne from carrying off his weapons and depositing them at the White Hart Inn in Aylesbury, and he could not prevent Starkey from making off with some saddles and holsters. On balance, perhaps his absence was fortunate. Had he been home, he might have found himself involved with two fugitives, Richard Goodenough and John Ayloffe, who had tried to seek shelter at Winchendon but left for other parts when they "missed him."⁵

By early September the government investigation of plots and plotters had settled into a routine, and there was a general lessening of hysteria. The first wave of executions for the Rye House plot was over: Lord Russell had been beheaded, and three less prominent conspirators--William Hone, Thomas Walcot, and John Rouse--had been hanged, drawn, and quartered. The Earl of Essex had committed suicide in the Tower. John Hampden, Algernon Sidney, John Wildman, and Lord Brandon were in prison awaiting trial; and several wanted Whigs, including Sir Thomas Armstrong, Lord Grey, and Robert Ferguson, had escaped abroad. Monmouth had gone into hiding at the home of his mistress Henrietta Wentworth. As the pressures eased, it was clear that Tom Wharton had survived the first crisis. He had not been named in any of the "informations" that had occupied the government for many weeks nor in the confessions pried out of the accused. The list of his confiscated arms had been forwarded to Secretary of State Leoline Jenkins on 20 August, but the Earl of Bridgwater, who had sent the list, had not thought the Wharton collection "anything considerable."⁶ A few days earlier, Samuel Starkey, the confiscator of the arms, had been arrested for thievery.⁷

On the day Tom arrived in London from Tunbridge (too late to attend the races at Datchet), one of his horses, as if to signal that the Wharton world was returning to something like normal, won three consecutive heats and the King's plate.⁸ On the same day (Friday, 24 August) Anne Wharton, who had not accompanied Tom to Tunbridge, dined with Sir Ralph Verney and her friend Mrs. Mason at Claydon House. The company, Sir Ralph reported, was extremely merry.⁹ In northern Bucks, at least, the tensions caused by searches and seizures were relaxing.

On 3 September, then, with a proper mixture of confidence and deference, Tom wrote Bridgwater about the confiscated arms.

My Lord,

Having been for some time absent from my own house (for my health at Tunbridge), I have not so soon made my application to your Lordship about the arms that were lately taken from me as otherwise I should have done. Your Lordship I suppose hath an account of what they were, so that I need not trouble you with a particular of them. I must leave it to your Lordship whether such a

proportion of arms be not convenient for me and necessary for the security of my family, which when your Lordship hath considered I desire only to know your pleasure in it, to which I shall submit with that duty that becomes me.¹⁰

Bridgwater replied on 6 September from his estate at Ashridge. He was glad, he said, to hear of Tom's health and his return from Tunbridge, but he could not yet give a definitive answer about the weapons. Secretary Jenkins had not yet told him how seized arms were to be disposed of.

All I can say [Bridgwater added] is that it was not by my direction that yours were seized, but they were seized by a particular person [Starkey] that came into this County authorized to make searches. I herein send you inclosed a true copy of the account I gave to Mr. Secretary about what was seized at your house.¹¹

To a country magnate like Bridgwater, Tom's armament, as listed in the still-extant account,¹² might well seem unremarkable--about what a rich landed gentleman would need to guard his coaches against highwaymen and his property against thieves and poachers. Tom seemed to deserve the implicit apology contained in Bridgwater's letter. To a jittery government, the weaponry may have looked less commonplace. It included ten cases (pairs) of pistols and ten pairs of saddle holsters, six muskets, three "birding guns," three musketoons, eight swords, sixteen pieces of "back and breast" armor, eleven "potts" (helmets), three sword belts, two carabine belts, one case of cartridges, and two pairs of bullet molds, "clean and well fixed." Among miscellaneous items, besides the saddles and holsters "carried away by Mr. Starkey," there were a pair of thigh pieces, one pair of gauntlets, and a corselet. The list showed that Tom had more than enough weapons to arm the squad of outriders that sometimes accompanied his coach¹³ and that, except for a slight deficiency in swords and a more serious deficiency in body armor, he could have equipped ten cavalymen.¹⁴ Suspicious or not, Tom's weaponry remained for the time being at the White Hart Inn, locked in a room to which Starkey had carried away the key. No surviving document tells whether it was ever returned to Winchendon.¹⁵

If Tom himself had escaped unbruised from the deadly aftermath of the Rye House affair, the political world he inhabited had been transformed. The party founded by Shaftesbury, who had recently died in Holland, had been shattered as if by an explosion. The revelations and pseudo-revelations concerning an assassination plot and the "consults" of grantees about a possible rising had not only sent Whigs fleeing in many directions but had also severely battered the reputation of the party. From an alliance of patriots dedicated to saving England from popery and slavery--the majority party at the time of the Oxford Parliament--the Whigs had been recast as a band of conspirators against the monarchy. Moderate men hastened to disassociate themselves from leaders who allegedly trafficked with assassins. The popularity of the King and the Duke of York rose to new heights. In dozens of unsolicited loyal addresses James--once a popish recusant and a lively danger to a Protestant nation--had become the best of brothers and a pillar of traditional government.¹⁶

On 9 September 1683, England officially celebrated the escape of Charles and James from their enemies. Five years earlier, after the first delations of Titus Oates, Anglican ministers had preached on the evils and machinations of the papists; now they preached upon the sanctity of monarchs and upon divine hereditary right. One such sermon, a timely mixture of Anglican doctrine and Sir Robert Filmer's patriarchal theory of government,¹⁷ encapsulated the prevailing mood. As John Evelyn recalled, his Vicar, Richard Holden, "very learnedly" set forth "the providence of God over kings, proving they were never set up, nor ought to be pulled down by the *people*." He showed how the father of the family was monarch of his tribe *ab origine*, that therefore the eldest son had a double portion to sustain the government and, as being priest, the expense of sacrifices: that from *tribes* they grew to nations and that this patriarchal dominion continued till God himself chose the *Kings* by divine right and [established] the blessing of Monarchial government above any other.¹⁸

On that day of rejoicing, the triumph of the King and his royalist party seemed complete, both in theory and in fact. On 21 July, the day of Russell's execution, the University of Oxford had enshrined the principles of hereditary right and non-resistance as official doctrine, condemned the principles of government by consent, and staged a spectacular burning of heretical books.¹⁹ John Locke, the great exponent of consent theories, had fled to Holland;²⁰ and Algernon Sidney, a formidable republican theorist, was in prison and soon to be convicted of treason--in part because he had written an attack upon Filmer's monarchial theory.²¹

On the practical side, the government had jailed, scattered, or executed the King's most troublesome Whig opponents. The King had also won the right on 12 June, after a protracted trial, to recall the London charter;²² and on 18 June he had accepted the City's abject submission and prescribed new rules of government.²³ The process of subjugating the City, begun with the interposition of a Tory Lord Mayor and Tory sheriffs, was now complete. Significantly, the Green Ribbon Club, which only two years before had staged a great and solemn pope-burning, had been dissolved.²⁴

In the hour of what seemed their greatest triumph, high Tories did not dream that the Duke of York would prove devastating to their theory of government--that they should have been praying for his death. Had James died before Charles or had some prescient, self-sacrificing Tory assassinated him, his daughter Mary would have succeeded by unsullied hereditary right and the Tory doctrine of legitimacy might have lasted indefinitely instead of bleeding to death in the long aftermath of the Revolution. Similarly, the Whigs in what seemed to be their hour of disaster--when they were trying to save a few pieces out of the wreckage--did not dream that James would become a priceless asset. They could not know that in less than four years of rule he would mortally wound the doctrine of divine right, turn Filmer's *Patriarcha* into an intellectual lost cause,²⁵ and make John Locke the political philosopher of the coming century.²⁶

But these events lay in the future. For the moment the problem for the battered Whigs was damage control. They tried to convince themselves and the nation that the alleged conspiracy, which had not eventuated in any overt act, was at worst a set hypothetical discussions ("consults") among worried Exclusionists about a possible rising to prevent a popish succession, and that if a few hot-headed old Cromwellians had proposed assassinating Charles and James at the Rye House in Hoddesdon as they returned from Newmarket, the proposal had been dismissed or ignored by

responsible Whig grandees. Monmouth, as he and his friends insisted, would never dream of assassinating his father, nor would high-minded aristocrats like Essex and Sidney dabble in murder of any sort, much less regicide.

Lord Russell eloquently denied the allegation that he had conspired to kill the King. In a paper he left with the sheriff at the time of his execution, he said in effect that he had never heard anyone suggest such an enormity.

I have always loved my country much more than my life [Russell wrote] and never had any design of changing the government, which I value and look upon as one of the best governments in the world, and would always have been ready to venture my life for the preserving of it, and would have suffered any extremity rather than have consented to any design to take away the King's life; neither ever had any man the impudence to propose so base and barbarous a thing to me.²⁷

But Russell's denial of complicity in an assassination plot, though widely circulated, could not exonerate his associates nor undo the damage wrought by the testimony of Lord Howard of Escrick, John Rumsey, Thomas Shepherd, and Robert West--the government witnesses at his trial. Nor could the allegation by radical propagandists that Essex had been murdered in the Tower--that his "suicide" had been staged by the government--find much credence among serious Englishmen.²⁸ In vain some Whigs argued that the Rye House Plot, like the earlier Mealtub Plot, was a popish fiction supported by perjured informers. The evidence that Shaftesbury and the self-appointed Council of Six-- Monmouth, Russell, Sidney, Howard, Essex and John Hampden--had contemplated some sort of rising, though they were almost comically divided on when, where, and if such an action should take place, was simply too strong to confute--even before Lord Grey made his confessions after the bloody Monmouth fiasco two years later.²⁹

The Whigs were on firmer ground when they criticized the trials of Russell and Sidney. The juries, as alleged, were chosen by the Tory sheriffs, and the legal rulings of Lord Chief Justices Pemberton and Jeffreys were clearly weighted against the accused. When the Whig Parliament of 1689 set about getting Russell's conviction annulled, they had no trouble making a believable case.³⁰ Eventually, the excesses of Jeffreys, like the earlier excesses of Scroggs, brought a revulsion against what many perceived as legal murder. By 1689 the Whig contention that Russell and Sidney were martyrs sounded at least plausible. In 1683, however, the revulsion was against assassins and insurrectionists, as the flood of loyal addresses showed. The country had already suffered through one long, bloody revolution period, and it was in no mood to begin another. Englishmen in general opted for peace now. They would trust God and legal succession; they would give James a chance to rule if God allowed him to survive his brother.

On Thursday, 29 November 1683, Tom Wharton, who had returned to London from Winchendon two days previously, surveyed the political scene and reported it in a letter to his father at Wooburn.³¹ On 21 November, Algernon Sidney had been convicted of treason. On 26 November he had been sentenced to death, and his execution was scheduled for 7 December. Tom had attended Sidney's trial and had testified briefly. Sidney's handwriting, he had said, was easy to imitate; the government, he implied, might readily have forged Sidney's refutation of Filmer--the

document the Crown was using to convict Sidney of treason.³² This argument had not impressed Attorney General Sir Robert Sawyer nor the jury. Now, after Sidney had been sentenced, Tom explained the current situation to Lord Wharton.

"There are great endeavors" being made for him, Tom wrote, "and some think that there are hopes he may be saved." Tom's informants (whom he does not name)³³ were right about the endeavors but wrong about the hopes. In spite of attempts to obtain a pardon or a commutation of sentence, the execution went forward as scheduled. Tom himself, to judge from the tone of his report, was not among those who thought Sidney might be saved. Having viewed at first hand the fierce determination of the King's prosecutors to have Sidney's head, he could not easily believe that they would leave it on Sidney's shoulders.

More positively, Tom could report that on 28 November some imprisoned Whigs--John Hampden, Lord Brandon, Henry Booth, John Trenchard, and Francis Charlton--had been released from the Tower on writs of *habeas corpus* and admitted to bail. Brandon and Booth, Tom wrote, were obliged to post £6,000, while Hampden and Charlton were to post £30,000.³⁴ All were to appear at the bar of the King's Bench on the first day of the next term; and John Hampden, who had been indicted for "great and high misdemeanors," was to stand trial on 6 February. If Tom knew that Major John Wildman was also admitted to bail on the same day, he did not mention that interesting fact, Tom could not guess that Wildman would soon join Goodwin and Goodwin's mentor Mary Parish in some extraordinary alchemical and treasure-hunting projects, or that he would one day try to dissuade Monmouth, then in Holland, from coming to England to lead a rebellion.

What Tom did know, though he had no need to tell his father so, was that the bailing of such prominent suspects was at least a minor defeat for the government. It was a tacit admission that after months of investigation, Crown prosecutors had not gathered sufficient evidence--two credible witnesses per suspect--to bring indictments against supposed leaders. It seemed to show that the conspiracy had been very shallowly rooted or extremely well concealed.

The Court, on the other hand, had recently scored a solid propaganda victory. On 24 November, after delicate negotiations by Halifax, the Duke of Monmouth had thrown himself upon his father's mercy. As announced, lyrically, by the *London Gazette*, his surrender had been unconditional.

His Majesty having this afternoon [25 Nov.] called an Extraordinary Council, was pleased to acquaint them that the Duke of Monmouth did last night surrender himself to Mr. Secretary Jenkins, having before writ a very submissive letter to His Majesty, entirely resigning himself to His Majesty's disposal: that His Majesty and his Royal Highness went down to Mr. Secretary's office, where the Duke of Monmouth was, who shewed himself very sensible of his crime in the late conspiracy, making a full declaration of it; and having shewed extraordinary penitence for the same and made a particular submission to his Royal Highness for his misbehaviour towards him, His Majesty and his Royal Highness received so much satisfaction that upon his Royal Highness's desire and intreaty, His Majesty was pleased to pardon the said Duke and thereupon did order Mr. Attorney General

to stay further proceedings against him, but ordered he should proceed notwithstanding against the rest of the conspirators.³⁵

In general, the report was right. Monmouth had indeed surrendered himself to his father and made "a full declaration" of the conspiracy to "seize the guards and raise an insurrection in the kingdom."³⁶ His surrender, however, had not been quite unconditional. He had been allowed to deny any knowledge of an assassination plot, and he had been promised that he would not be called as a witness in court against any of his co-conspirators. But for propaganda purposes, the concessions to Monmouth were relatively trivial. Monmouth's confession seemed to prove beyond Whig cavil that there had been a conspiracy against the King's government, and it allowed Charles to declare later that if he could have produced Monmouth as a witness, he could have hanged the men that were released on bail.³⁷ Monmouth's confession also implied that the sentences against Russell, Sidney, and their less prominent associates had been fully justified. It helped, incidentally, to remove any chance that Sidney would be pardoned.

If the *Gazette* announcement was a serious wound to Whig versions of the Plot, the further allegation that Monmouth had been pardoned through the intercession of the Duke of York, to whom he had made "a particular submission," was a large addition of salt. It made the surrender appear ignoble if not humiliating. The picture of James as a model of Christian forbearance pardoning a criminal conspiracy against himself and pleading for his guilty nephew was calculated to turn Whig stomachs. The fact that Charles, after forgiving his son, had readmitted him to Court and installed him at Whitehall also suggested a vile submission, as if Monmouth had abandoned his old friends for a pardon, a return to royal favor, and a rich cash present.³⁸

For these highly embarrassing reasons, Monmouth had hardly made his confessions and read the *Gazette's* version of his surrender than he began trying to deny or at least obfuscate his revelations. One part of the published Court story was deniable. Monmouth's negotiations had been with his father, not with the Duke of York; and although he had asked forgiveness of the Duke, saying as much on the subject as the Duke could expect, the initiative for the official pardon came from Charles, not James. In giving an account to the Prince of Orange of Monmouth's surrender, James did not credit himself with any intervention on Monmouth's behalf, much less any "intreaty."³⁹

The story of his magnanimity had been highly embellished by the Tory editor of the *Gazette*. Apparently Monmouth began by denying the accuracy of the published account of his surrender⁴⁰ and then went on to intimate that the story of his confession was false as well--a stance that became much safer to maintain after he received his official, irrevocable pardon. By 29 November he had created enough confusion to make his surrender seem less damaging to the Whig cause--a confusion that is reflected in Tom Wharton's report to Lord Wharton.

The D[uke] of Monmouth's pardon will I believe be quite passed this day. The *Gazette* will tell you how he came in and hath carried himself since, and some people tell long stories of his submissions and confessions. I can't yet be sure how much of it is to be believed, but to those that he hath seen and those he pretends to put confidence in he denies all, or most, of what is reported about it, and seems

very desirous that those of his friends that have a good opinion of him would not be apt too suddenly to believe any ill of him.

Tom's information, though accurate, was all hearsay. He had not seen the Duke himself; and the Duke, now ensconced in the Cockpit at Whitehall, had sent him no messages. Tom was writing as an interested bystander, personally uninvolved in the Plot and unthreatened by any confessions the Duke might have made. He wanted to believe Monmouth's denials, of course, but there were doubts. Certainly Monmouth continued to please his father; "he is seen always with the King," Tom reported at the end of his letter, "and in appearance was never better with him."

As matters turned out, Tom's report of Monmouth's efforts to disavow his confessions presaged the end of the King's enthusiasm for his too-talkative son.⁴¹ Monmouth's denials, circulated by his friends and "dependers," were beginning to raise the spirits of the "mobile" and undo the propaganda advantages the government had gained from his surrender.⁴² As the accounts of his duplicity flowed in to the government, Charles drew the line. Monmouth could not eat his confessions and have them too. In particular, he could not impugn the testimony of his co-conspirator Lord Howard, as he was reported to have done.⁴³ Howard had been the star witness against Russell and the only witness against Sidney; he was scheduled to testify against John Hampden when Hampden (the last of the Counsel of Six) was tried in February.

Under these conditions, Charles required Monmouth to put his confessions in writing. Hereafter there would be no weaseling. Monmouth, in his own handwriting, was to give the lie to Whig denials of a conspiracy against the King.⁴⁴ Monmouth first produced a letter that was too vague and general to satisfy his father. The King ordered another, more accurate letter drawn up and ordered Monmouth to copy it over and sign it.

I have heard of some reports [the letter began] as if I should have lessened the late Plot and gone about to discredit the evidence given against those that died by justice. Your Majesty and the Duke know how ingenuously I have owned the late conspiracy, and though I was not conscious of any design against Your Majesty's life, yet I lament the having so great a share in the other part of the said conspiracy.⁴⁵

Monmouth copied and signed the letter, only to discover that he had run into a hidden danger. Though he could not be summoned as a witness in a Plot trial, there was nothing, except perhaps honor, to prevent the Crown from using his written confession as corroborative evidence against his friends. Sidney had just been convicted on the testimony of one witness and the evidence furnished by his written attack upon Filmer. To John Hampden, awaiting trial, Monmouth's letter seemed a death warrant. The fact that the Crown could produce only one witness against him, Lord Howard, had caused the judges to reduce the charge from treason to high misdemeanors--from a possible sentence of death to a possibly ruinous fine. But if Crown prosecutors could produce a letter of confession written and signed by Monmouth, Hampden feared, they might reinstate the treason charge and hang him.⁴⁶

When Monmouth, who had sent a copy of his confession to Hampden, learned of Hampden's agitation, he became highly agitated himself. With his attempted evasions, he had talked his way into what now appeared to be a trap, and it was possible that he had signed away Hampden's life. He rushed to his father, therefore, and "pressed very earnestly" to have his confession back. Neither Charles nor Monmouth seems to have raised the question of whether the signed letter could be withheld from the courts. To Charles, who hoped that his son after his submissions and repentance would abandon "the factious party" and satisfy the world of his return to loyalty, Monmouth's demand for the letter meant that he intended to keep up his old connections and pretensions--that having received his pardon he would continue to deny in public what he had confessed in private. It meant that Charles could never believe him again.⁴⁷

To Monmouth the letter was at best a grave embarrassment--an outward sign of an inward disgrace--and at worst a disaster. It was painful enough to retract in writing all the reports he had spread around; it was simply impossible to risk hanging his friend. The execution of Hampden would be a dishonor he could never live down. Charles let Monmouth ponder his decision over night, but Monmouth's answer the next morning was unchanged. He could not rest until he had the letter back. This decision was crucial. Charles gave Monmouth the letter ("threw him" the letter, according to one account)⁴⁸ and demanded that he should return the original draft from which he had copied it. Then he dismissed Monmouth--for what turned out to be the last time. Later he sent Vice-Chamberlain Henry Savile with a formal order. Monmouth was "to depart the court" and not come again into the King's presence.⁴⁹ He had exchanged Whitehall and the King's favor for the long, tortuous road to Sedgemoor and the Tower.

Balked of its intention to use the signed confession to crush Whig propagandists, the Court did the next best thing. Charles described the Duke's behavior to his Privy Council, showed them the original of the paper Monmouth had copied and signed, and explained his final decision to banish Monmouth from his presence.⁵⁰ This account was another blow to Whig pretensions, to be sure, but it was not lethal. Die-hard Whigs could still persuade themselves that the King had lied about Monmouth's original confessions and that the heroic Duke, after wavering momentarily, had refused to own the Plot and incriminate his friends.⁵¹

In December 1683, Whigs needed all the comfort they could get. The year had been disastrous in general, and 7 December had brought the execution of Algernon Sidney. It was some consolation that Sidney had died stoically, as became a Roman-style republican, and that the paper he left behind, like Russell's, had been an eloquent statement of principle.⁵² It was further consolation to know that some leaders had been admitted to bail and that others had escaped abroad. But there was no consolation at all in the political prospects; the immediate future looked as joyless as the past months. Since the first reports about a Rye House plot, the chances of preventing a popish succession had gone from slim to none. The issue of Exclusion was as dead as Essex or Russell.

As the year ended, Tom Wharton remained untouched by accusations. Except for the contretemps over arms, his name had not appeared in any official documents; it had not been mentioned in the trials of Russell or Sidney, nor in the myriad reports, examinations, and confessions that littered the government's files. He had not taken part in the famous consults that had doomed Russell and Sidney, and if he had ever discussed insurrection with his friends on the

Counsel, he had been wise enough or lucky enough to keep the conversations unrecorded. Now it was also a point in his favor that he had never joined the Green Ribbon Club.

The fact that Tom was not engaged in a conspiracy against the government would be further confirmed two years later when Lord Grey made his detailed confessions following his capture after Sedgemoor. Buying his life at the expense of his associates, Grey filled his account with names and incidents in plans, both serious and fanciful, to stage risings. Not once does the Wharton name appear in Grey's story. Tom, his father, and his brothers had obviously remained at a safe distance from abortive plots.

In December 1683, untroubled by accusations himself, Tom could survey the wreckage of his party with a certain amount of detachment. He could hope that something could be salvaged--that his former colleague John Hampden could be saved from the gallows and that his great companion in horse racing enterprises, Monmouth, would not do anything irretrievably damaging to himself or his friends. Meanwhile there were family affairs. Tom was trying, unsuccessfully as it turned out, to negotiate a marriage for his young half-brother William. The lady, he explained to his father, had seemed unenthusiastic, but he would try once more.⁵³ Anne, as usual, was occupied with writing and charitable works. The private Wharton world which had begun to return to normal in September had further righted itself by December.

In retrospect, however, there was a gulf between the times before and after Rye House. On 12 April, two months before the Tory deluge, Tom and Lord Colchester rode merrily to the Harleston races in Tom's calash "drawn by six horses."⁵⁴ In early May Anne, who drank ass's milk for her health, had lent one of her she-asses to Sir Ralph Verney to provide milk for his cough.⁵⁵ And on 21 May Anne and Tom had dined with Sir Ralph at Middle Claydon.⁵⁶ Now, in December, these typical events, viewed across the intervening anxieties, were part of another life. After the shambles of the summer and fall, the world had grown more somber. Unfortunately for the Whartons, during the next two years it would grow darker still.

ABBREVIATIONS

1. List of abbreviations commonly used in the citation of book titles and of manuscripts

| | |
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| Add. | Additional |
| BL | British Library |
| Corr. | Correspondence |
| <i>CSPD</i> | <i>Calendar of State Papers, Domestic</i> |
| <i>CTB</i> | <i>Calendar of Treasury Books</i> |
| <i>HCJ</i> | <i>Journal of the House of Commons</i> |
| HEH | Henry E. Huntington Library |
| <i>HLJ</i> | <i>Journal of the House of Lords</i> |
| HLRO | House of Lords Record Office |
| HMC | Historical Manuscript Commission |
| HS | Harleian Society |
| <i>IHCJ</i> | <i>Journal of the House of Commons...Ireland</i> |
| <i>IHLJ</i> | <i>Journal of the House of Lords...Ireland</i> |
| IRO | Irish Record Office, Dublin. |
| MS, MSS | Manuscript, manuscripts |
| NLW | National Library of Wales, Aberystwyth |
| <i>N & Q</i> | <i>Notes and Queries</i> |
| <i>OED</i> | <i>Oxford English Dictionary</i> |
| PL | Pepys Library, Magdalene College, Cambridge |
| PR | Parish Register |
| PRO | Public Record Office |
| RCHM | Royal Commission on Historical Monuments |
| RO | Record Office |
| SP | State Papers |
| TCD | Trinity College, Dublin |
| <i>VHC</i> | <i>Victoria History of the Counties of England</i> |

2. List of Books and Manuscripts cited by Short Titles

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|----------------|---|
| Addison | <i>The Letters of Joseph Addison</i> , ed. Walter Graham (Oxford, 1941). |
| Anglesey Diary | Diary of Arthur Annesley, 1st Earl of Anglesey--1675-1684, BL, Add. MS 18730. (The pages are unnumbered.) |

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| Annals | Abel Boyer, <i>The History of the Reign of Queen Anne, Digested into Annals</i> , 11 vols. (London, 1703-13). |
| Ashcraft | Richard Ashcraft, <i>Revolutionary Politics & Locke's Two Treatises of Government</i> (Princeton, 1986). |
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| Baxter | Stephen Bartow Baxter, <i>William III and the Defense of European Liberty, 1650-1702</i> (New York, 1966). |
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| Calamy Revised | Arnold Gwynne Matthews, <i>Calamy Revised</i> (Oxford, 1934). |
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| CB | <i>Complete Baronetage</i> , ed. G. E. C.[okayne], 5 vols. (Exeter, 1900-6). |
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| CP | <i>The Complete Peerage of England, Scotland, Ireland, Great Britain, and the United Kingdom</i> , ed. G. E. C.[okayne], rev. ed., 12 vols. (London, 1910-59). |
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| Dalton | <i>English Army Lists and Commission Registers, 1661-1714</i> , ed. Charles Dalton, 6 vols. (London, 1892-1904). |
| Danby | Andrew Browning, <i>Thomas Osborne, Earl of Danby and Duke of Leeds</i> , 3 vols. (Glasgow, 1944, 1951). |

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| <i>DBF</i> | <i>Dictionnaire de Biographie Française</i> , eds. J. Balteau, M. Barroux, M. Prévost, et al. (Paris, 1929--). |
| <i>DNB</i> | <i>Dictionary of National Biography</i> . |
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| <i>Goodwin Wharton</i> | J. Kent Clark, <i>Goodwin Wharton</i> (Oxford, 1984; repr., London, 1989). |
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| <i>Memoirs</i> | <i>Memoirs of the Life of the Most Noble Thomas, Late Marquess of Wharton</i> (London, 1715). |
| Mignet | François August Marie Alexis Mignet, <i>Négociations Relatives à la Succession d'Espagne sous Louis XIV</i> , 4 vols. (Paris, 1835-42). |
| NBG | <i>Nouvelle Biographie Générale...</i> , 46 vols. (Paris, 1855-67). |
| Ogg | David Ogg, <i>England in the Reign of Charles II</i> , 2nd ed., 2 vols. (Oxford, 1955). |
| <i>Old Cause</i> | John Carswell, <i>The Old Cause</i> (London, 1954). |
| <i>Parl. Diary</i> | <i>The Parliamentary Diary of Narcissus Luttrell, 1691-1693</i> , ed. Henry Horwitz (Oxford, 1972). |
| <i>Parl. Hist.</i> | <i>The Parliamentary History of England</i> , ed. William Cobbett, 36 vols. (London, 1806-20). |
| POAS | <i>Poems on Affairs of State, Augustan Satirical Verse, 1660-1714</i> , gen. ed., George de F. Lord, 7 vols. (New Haven, Conn., 1963-75). |

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| <i>Sacheverell</i> | Geoffrey Shorter Holmes, <i>The Trial of Doctor Sacheverell</i> (London, 1973). |
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| <i>Surv. London</i> | Greater London Council, <i>Survey of London</i> , vol. i--(London, 1900--). |
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| Verney | Bucks. RO, and BL, microfilm collection of Verney family letters in Claydon House. |
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Wood

The Life and Times of Anthony Wood, antiquary, of Oxford, 1632-1695, described by Himself, ed. Andrew Clark, 5 vols. (Oxford, 1891-1900).

Notes

1. *CSPD*, xxv (July to Oct. 1683), 88. Sir John Burlace was a long-time political power in Marlow and High Wycombe--a Whig friend of the Whartons.
2. *CSPD*, xxv, 91-92, 99, 107.
3. *CSPD*, xxv, 34, 49. On 4 July, the Earl of Anglesey was outraged when his house was "rudely searched" and his door broken open "by warrant pretended (but not shown) from the King." Anglesey Diary. 4 July 1683. Since Anglesey was a friend of Monmouth, Essex, Macclesfield, Grey, and Charlton, it is likely (though Anglesey does not say so) that his house was searched for fugitives. Anglesey served as a character witness for the defense in the trials of Russell and Sidney.
4. For his instructions to his deputy-lieutenants, 25 June 1683, see HEH, STT, MS 726. The deputies were to disarm any suspects and to keep the militia in readiness in case the "horrid and malitious Villaines" should make it necessary to assemble troops.
5. *CSPD*, xxv, 349.
6. The Earl of Bridgwater to Secretary Jenkins, 20 Aug. 1683, *CSPD*, xxv, 308. Besides dismissing the arms seized by Starkey as inconsiderable, Bridgwater complained that Starkey himself had "not well demeaned himself," that "he sought his own private profit more than the advantage of the service."
7. He was arrested on the complaints of Sir Roger Hill, who accused him of stealing money and jewels from his house at Denham (*CSPD*, xxv, 268, 277), and of Lord Paget, who alleged that his warrant did not authorize him to search the domains of peers (*CSPD*, xxv, 265). He was imprisoned for several months and fined £100. *CSPD*, xxvi, 282-84. It is noted on the list of Wharton arms held at Aylesbury that "two saddles, One wth Holsters, the other without," were "carried away by Mr Starkey" (Carte 81, fol. 730); but I can find no record that Tom recovered the property or pressed charges.
8. John Verney to Sir Ralph Verney, [26 Aug. 1683], BL, Verney, M 636/38. Tom was not at the race, Verney says, "but came to London that night [24 Aug.] from Tunbridge."
9. Sir Ralph Verney to John Verney, 27 Aug. 1683, BL, Verney, M 636/38. For the charming correspondence that led up to the dinner at Claydon, see Anne Wharton to Sir Ralph Verney, 21 Aug. 1683, and Sir Ralph Verney to Anne Wharton, 21 Aug. 1683, BL, Verney, M 636/38.
10. Carte 81, fol. 726. The letter, in Tom's handwriting, is a draft, without the complimentary close.
11. Carte 81, fol. 727.

12. Carte 81, fol. 730.

13. A coach drawn by six horses, "whereof the 4 foremost hadd bald ffaces," passed through East Claydon one day in early Feb. 1676. It was accompanied by no less than five horsemen. Edmund Verney, who had the description at second hand, reasoned that such a display could only be staged by Sir Richard Temple or Tom Wharton; and from the route taken by the coach, he supposed that the party consisted of Tom and his retinue on their way to Brackley. Edmund Verney to Sir Ralph Verney, 10 Feb. 1675/6, BL, Verney, M 636/29.

14. Each horseman in the royal army was armed with two pistols and a sword, The Wharton collection had enough of these (lacking only two swords) for ten men. The store was seriously short in body armor, however. It had the basic front and back pieces (cuirasses, or "curats"), but it totally lacked shoulder plates (pouldrons) and collars (gorgets), and it had only one pair of arm pieces (vambraces) and one pair of thigh pieces (cuisses). For the "Arms of Horsemen," see John Rushworth, *Historical Collections*, part 2, vol. 2 (1680), App., p. 137. This reference I owe to Professor Paul H. Hardacre.

15. Tom's memorialist says nothing about the seizure of the arms at Winchendon in 1683. He says, however, that in 1685, "the Tory Justices under pretext of his [Tom's] being well affected to the Duke of *Monmouth*, were so insolent, as to order his House at Winchendon to be search'd for Arms." The search, the memorialist implies, was unsuccessful. "His House was not so narrowly search'd, but a good quantity of Arms provided by him to be ready upon occasion remain'd undiscover'd and two carriages of them were sent Westward [in November 1688] when he went into the Prince of Orange." *Memoirs*, p. 28. I have found no other reference to a search of Winchendon at the time of Monmouth's Rebellion, and it is possible the memorialist has confused the two dates.

16. One of the addresses, from the Assizes at Derby, was signed by 9,175 people. Typically, it prayed "that no villanous Plots, or the Results of Atheistical Clubs or Associations may ever disturb the Peace...or the Succession in the Right Line." *London Gazette*, No. 1886, 13-17 Dec. 1683.

17. For the publishing history of Filmer's *Patriarcha*, see Gordon Joel Scochet, "Sir Robert Filmer: Some Bibliographical Discoveries," *The Library*, 5th Series, vol. xxxvi, No. 2 (June 1972), pp. 154-160. Filmer had died in 1653. His famous treatise defending divine-right monarchy was "written about the year 1642" (according to the anonymous editor of his *Power of Kings*, 1680), but it was first published in 1680 by Walter Davis during the Exclusion Crisis. Some of the copies were bound with Filmer's *The Freeholders Grand Inquest* and issued as *Political Discourses of Sir Robert Filmer*--also in 1680. A reprint of the Davis edition, dated 1680 and usually listed as a separate edition, was published by Richard Royston in 1684 as Part VI of his collection of Filmer tracts entitled *The Freeholders Grand Inquest.... (The fourth Impression)*. A genuine second edition, edited by Edmund Bohun, was published in 1685, the first year of the reign of James II.

18. Evelyn, iv, 336.

19. Dated 21 July 1683 and published in *London Gazette* No. 1845 (23-26 July 1683), the Oxford "Judgment and Decree" condemned as "false, seditious, and impious" twenty-seven propositions, including the propositions that government is originally derived from the people, that there is a compact, tacit or expressed, between sovereign and people, and that English sovereignty is divided among King, Lords, and Commons. Books promulgating such doctrines were to be publicly burned and were not to be read by members of the University. The "necessary" political doctrine, the Convocation declared, is that the King is sovereign and the subjects owe him obedience. This entails "submitting to every Ordinance of man for the Lord's sake, whether it be to the King as Supreme or the Governors sent by him." There must be no ambiguity; "obedience is to be clear, absolute, and without exception." For the bonfire of books at Oxford on 21 July 1683, see Woods, iii, 63-64.

20. For the circumstances of Locke's departure, see Ashcraft, pp. 409-11. In mid-July, Locke's chamber in Christ Church, Oxford, had been searched for treasonous correspondence (*CSPD*, xxv, 109-10); and in 1684 he would be expelled from the college. For the complex details, see Ashcraft, pp. 429-33.

21. See, *The Arraignment, Tryal & Condemnation of Algernon Sidney Esq; for High-Treason. For Conspiring the Death of the King, And Intending to raise a Rebellion in this Kingdom* (London, Printed for Benj. Tooke, 1684); *State Trials*, ix, 817-903.

22. "This day [12 June] the Court of the *Kings Bench* unanimously gave Judgment for the King upon the *Quo Warranto* against the City of London, *That the Franchises and Liberties of the said City be seized into the King's Hands.*" *London Gazette*, No. 1833 (11-14 June 1683). For the legal proceedings, see *State Trials*, viii, 1039-1358. When Tom Wharton's Tory brother-in-law James Bertie, Earl of Abingdon, heard of the King's victory, he "caused a bonfier at Thame to be made for joy." Wood, iii, 57.

23. *London Gazette*, No. 1835 (18-25 June 1683).

24. Roger North, *Examen* (London, 1740), p. 574.

25. Transmuted, temporarily, by the career of James II and the Revolution of 1688 from an effective strand of royalist political theory into a literary curiosity, the *Patriarcha* and Sir Robert Filmer's other political writings have evoked renewed interest in the 20th century. See *Patriarcha and Other Political Works*, ed. Peter Laslett (Oxford, 1949); *Patriarcha and Other Writings*, ed. Johann P. Somerville (Cambridge, N. Y., 1991); Gordon Joel Scochet, *Patriarcha in Political Thought: The Authoritarian Family and Political Speculation....* (New York, 1975); and James W. Daly, *Sir Robert Filmer and English Political Thought* (Toronto, 1979). I treated *Patriarcha* briefly in my introduction to Jonathan Swift's political theory. See J. Kent Clark, "Swift and the Aristocracy," unpublished doctoral dissertation (Stanford, 1950), ch. I.

26. For a still-excellent analysis of the repercussions of the Rye House Plot, see Doreen J. Milne, "The Results of the Rye House Plot and their Effect upon the Revolution of 1688," *TRHS*, 5th Series, i (1951), 91-108. For late 20th-century analyses (sometimes conflicting) of the Plot

itself, see Ashcraft, pp. 338-404; *Shaftesbury*, 707-24; Robin Clifton, *The Last Popular Rebellion* (London, New York, 1984), pp. 135-140.

27. *State Trials*, ix, 690.

28. On 7 Feb. 1684, Laurence Braddon and Hugh Speke were convicted of suborning witnesses to prove that Essex was murdered by his keepers. Braddon was fined £2,000 and Speke £1,000. *State Trials*, ix, 1127-1224.

29. See Tankerville, pp. 42-43. Besides disagreements on strategy, tactics, and feasibility, the Council of Six differed about ultimate aims. Russell, Monmouth, and Howard were monarchists; Hampden, Essex, and Sidney were republicans.

30. See "An Act for making void the Attainder of *William Russell* Esquire, commonly called Lord *Russell*." The Bill was introduced into the House of Lords on 7 Mar. 1689, amended by the Commons on 16 Mar. approved by the Lords and given the royal assent on the same day. *HLJ*, xiv, 142, 151; *HCI*, x, 50. For a critique of the Russell Trial by Sir John Hawles, Solicitor General in the reign of William III, see *State Trials*, ix, 794-812. For the wider investigation into legal abuses by the governments of Charles II and James II, see *HLJ*, xiv, 377-94; HMC, 12th Rept., App. 6, *House of Lords*, ii, 287-310.

31. Tom Wharton to Philip, Lord Wharton, 29 Nov. 1683, Carte 228, fol. 77.

32. *The Arraignment, Trial & Condemnation of Algernon Sidney, Esq....* (London, 1684), p. 42; *State Trials*, p. ix, 875.

33. One of the Whigs who apparently nursed false hopes was Sir Samuel Barnardiston, who was later tried, convicted, and fined £10,000 for traducing the King's evidence. "Great applications are made to his majesty for the pardoning Mr. Sidney in the Tower," Barnardiston wrote on 29 Nov. 1683, "which is believed will be attained and he will be banished." *The Tryal and Conviction of Sr Sam. Barnardiston, Bart. for High-Misdemeanor at the Session of Nisi Prius, Holden at Guild-Hall, London...on Thursday, Feb. 14. 1683[4]*. (London, printed for Benjamin Tooke, 1684), p. 4; *State Trials*, ix, 1335.

34. The announcement in the *London Gazette* (No. 1881, 26-29 Nov. 1683) does not mention the sums demanded from any of the prisoners except Hampden, who, it says, was to post £15,000 bail. Hampden's own figure, in an account given five years later, agrees with Tom's. Testifying before a committee of the Lords, Hampden says he was "bailed out upon £30,000 Security." *HLJ*, xiv, 378.

35. *London Gazette*, No. 1880, 22-26 Nov. 1683.

36. *State Trials*, xi, 1097. [According to *CSPD*, the records of the Privy Council that deal with Monmouth's confessions are printed in *State Trials*. I have cited *State Trials* in my account, but I must see the original documents at the PRO before the chapter is published.]

37. *State Trials*, xi, 1097. See also the report from Sir Robert Reading to the Earl of Arran, 12 Dec. 1683: "Yesterday the Kg declared to the Councill what had passed between him & the d. of Monmouth, that he had declared many particulars of the late Plott in so much that he might have hanged all those lately released from the Tower, but he promised not to produce him as a wittnes, that he had gott a paper under his hand containing his knowledge, but that the duke got it away again under pretense to mend something therein, yet [the King] had kept a copy of it." Carte 216, fol. 196.

38. Besides his pardon and a return to favor, Monmouth was given £4,000.

39. James, Duke of York, to William, Prince of Orange, 27 Nov. 1683. Monmouth, James wrote three days after Monmouth's surrender, "asked pardon of me also, and said as much to me upon that subject as I could expect of him, with all the promises for the future a man could say; after his Majesty had heard all he had to say, he ordered the Secretary to put him into the custody of a Serjeant at Arms, till further pleasure; the next day his Majesty ordered his release, and has ordered his pardon to be prepared, having pardoned him and permits him to be at court again." Dalrymple, ii, App. Pt. 1, p. 53. For James's actual opposition to Monmouth's return, see Reresby, p. 320; Burnet, ii, 412-13.

40. "I am now thoroughly satisfied," Sir Samuel Barnardiston wrote on 1 Dec., "that what is published in the Monday's Gazette is perfectly false, and you will see it publicly declared so shortly." *The Tryal and Conviction of Sr. Sam. Barnardiston, bart. for High-Misdemeanor....*, p. 18; *State Trials*, ix, 1335.

41. After the Duke had received his pardon, John Hampden later told a committee of the House of Lords, "he began to be too free with his discourse;" and at the Duchess of Richmond's house, he "spoke as if those Gentlemen who were put to Death suffered unjustly." *"The Examination of John Hampden Esquire, taken the 18th of November, 1689," HLJ*, xiv, 378.

42. William Longueville to Christopher, Viscount Hatton, 6 Dec. 1683. Monmouth's denials, Longueville says, have raised the spirits of the [Whig] "mobile"; "now he is fully pardoned he is resty [restive], and ye last plot is gone, as say some." *Hatton*, ii, 40.

43. Burnet, ii, 413. The fact that Monmouth was pardoned and that he was reputed to have sneered at Howard's testimony had given rise to a rumor among credulous Londoners that Howard would be arrested and charged with perjury. "The Lord Howard," Sir Samuel Barnardiston wrote on 29 Nov., "is under guard at White-Hall, and 'tis believed will be sent to the Tower, for that the Duke of Monmouth will accuse him concerning the Testimony he hath given." *The Tryal and Conviction of Sr. Sam. Barnardiston, Bart. for High-Misdemeanor*, p. 4. This bit of wishful thinking, or Whig propaganda, Tom Wharton assured his father, was false. Carte 228, fol. 77.

44. Writing to the Prince of Orange on 4 Dec., before it had been decided that Monmouth would be made to sign a written confession, the Duke of York explained the general Court strategy. "As for news here, Algernon Sidney is to be beheaded on Friday next on Tower Hill, which besides doing justice to so ill a man, will give a lie to the whigs, who reported he was not to suffer. The Duke of Monmouth, also, as I am told, will some way or other give them the lie, by owning in a

more public way than he has yet done, his knowledge of the conspiracy; which yet the rebellious party, and some of his dependers endeavoured to persuade the world he knew nothing of." Dalrymple, ii, App., pt. 1, p. 54.

45. *State Trials*, xi, 1099. "I will take care," the letter concluded, "never to co[m]mit any more [faults] against you, or come within ye danger of being again mislead [sic] from my duty, but make it ye business of my life to deserve ye pardon your Ma'ty hath granted to your dutiful M."

46. Examination of John Hampden, *HLJ*, xiv, 378-79. Hampden says he was told by Sir James Forbes that Halifax persuaded Monmouth to sign the letter.

47. According to James, the fact that Charles could never again believe Monmouth counterbalanced any damage Monmouth might have done by getting his pardon and then denying his confessions. James, Duke of York to William, Prince of Orange, 7 Dec. 1683, Dalrymple, ii, App. pt. 1, pp. 54-55.

48. Examination of John Hampden, *HLJ*, xiv, 379

49. *State Trials*, xi, 1098.

50. *State Trials*, xi, 1097-00.

51. Burnet waffles on whether or not Monmouth lied in denying his confession, but he declares that after Monmouth got his signed confession back from the King, he was "more valued and trusted by his own party than ever." Burnet, ii, 415.

52. See, *The Very Copy of a Paper Delivered to the Sheriffs, Upon the Scaffold on Tower-hill, on Friday Decemb. 7. 1683. By Algernoon [sic] Sidney, Esq;....* (London, printed for R[obert]. H[orn]. J[ohn]. B[aker]. and J[ohn]. R[edmayne]; sold by Walter Davis, 1683). See also, *State Trials*, ix, 907-16. The government published Sidney's paper to show loyal monarchists how stubborn and dangerous an unrepentant republican could be.

53. Tom Wharton to Philip, Lord Wharton, 29 Nov. 1683, Carte 228, fol. 77.

54. Edmund Verney to John Verney, 12 April 1683, BL, Verney M 636/37. In November 1688, Tom and Lord Colchester would ride with a large party from Bucks to Exeter--the first aristocrats to join the Prince of Orange. According to Edmund Verney, the races in April 1683 at Harleston, Northamptonshire, turned into a contest between "Wigg and Tory." The Tories, Edmund says, refused to contribute to the plate in case the Duke of Monmouth should ride for it--a stance that John Verney thought very rude and ungentle. John Verney to Edmund Verney, 21 April 1683, BL, Verney, M 636/37.

55. Sir Ralph Verney to John Verney, 7 May 1683, BL Verney M 636/37.

56. Sir Ralph Verney to John Verney, 21 May 1683, BL, Verney, M 636/37. Edmund Verney had hoped to dine with the Whartons, but (as he explained to his brother John) he had been having

intestinal problems ("looseness") and he could not risk offending "persons of their quality."
Edmund Verney to John Verney, 21 May 1683, BL, Verney, M 636/37.